

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

PLAINTIFF CV1 MOTHER, as Next)	
Friend of and on behalf of PLAINTIFF)	
CV1, a Minor Child,)	
)	
Plaintiffs,)	
vs.)	
)	Civil Action No. 2:22-cv-00605-KFP
ROCKY SHAY FRANKLIN, an individual;)	
MINDGEEK S.A.R.L., MG FREESITES,)	
LTD, d/b/a “PORNHUB”; MG)	
FREESITES II, LTD; MINDGEEK USA)	
INCORPORATED; MINDGEEK)	
CONTENT RT LIMITED; 9219-1568)	
QUEBEC, INC., d/b/a MINDGEEK; MG)	
BILLING LTD; and MG CY HOLDINGS)	
LTD,)	
)	
Defendants.)	

**JOINT MOTION TO STAY PROCEEDINGS
DURING PENDENCY OF UNDERLYING STATE CRIMINAL ACTION**

Plaintiffs and Defendants MindGeek S.A.R.L., MG Freesites Ltd, MG Freesites II Ltd, MindGeek USA Incorporated, MG CY Holdings Ltd, MindGeek Content RT Limited, 9219-1568 Quebec Inc., and MG Billing Ltd (collectively, the “MindGeek Defendants”), by and through the undersigned counsel, hereby jointly and respectfully move this Honorable Court to enter an Order staying all proceedings in the present action before this Court, including any and all pending deadlines, during the pendency of Defendant Rocky Shay Franklin’s (“Defendant Franklin”) Alabama state criminal action. In support thereof, Plaintiffs and the MindGeek Defendants state as follows:

1. The present civil action was filed by Plaintiffs on October 7, 2022.
2. The counts set forth by Plaintiffs in their Amended Complaint include claims brought pursuant to 18 U.S.C. § 1595(a).¹

¹ See e.g., Plaintiff’s Amended Complaint (Dkt. 6) at ¶¶ 213-23.

3. 18 U.S.C. § 1595(b)(1) provides that “[a]ny civil action filed under [§ 1595(a)] shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.”

4. Both federal and state criminal actions have ensued against Defendant Franklin. Based on Plaintiffs’ allegations and information currently available, the Parties agree that both actions arise out of the same occurrence(s) for which the claimant in the present civil action is a victim.

5. The subject federal criminal action has concluded. Defendant Franklin pled guilty to five counts.² He is currently serving a forty (40) year federal prison term.³

6. Upon information and belief, the subject state criminal action remains ongoing.⁴

7. Plaintiffs and the MindGeek Defendants, having conferred, agree that this matter should be stayed, including any and all pending deadlines, until such time that it should be lifted pursuant to 18 U.S.C. § 1595.

8. In the event such a stay is implemented by this Honorable Court, Plaintiffs and the MindGeek Defendants, whether jointly or individually, will inform the Court when any such stay should be lifted pursuant to 18 U.S.C. § 1595(b)(1).

9. Once any such stay is lifted, Plaintiffs and the MindGeek Defendants agree that it is reasonable that the Plaintiffs have twenty (20) days to complete a response to the MindGeek Defendants’ Motion to Dismiss, and the MindGeek Defendants will have fifteen (15) days to file a reply, should they deem a reply necessary.

10. This Motion is made in good faith and not for the purposes of delay. The proposal will not prejudice any of the parties involved in this action.

DATED: March 9, 2023.

² See Ex. 1, Plea Agreement, *United States v. Franklin*, 20-cr-39 (M.D. Ala. Ju. 28, 2021).

³ Man Sentenced to 40 Years for Sexual Exploitation of Child, Advertising Child Porn, U.S. Dept. of Justice (May 19, 2022), <https://www.justice.gov/usao-mdal/pr/man-sentenced-40-years-sexual-exploitation-child-advertising-child-porn-and>.

⁴ See e.g., Ex. 2, Docket sheet, CC-2021-39; Ex. 3, Docket Sheet, CC-2021-40.

Consented to by:

/s/ J. Parker Miller

J. PARKER MILLER (ASB-7363-H53M)
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CY Holdings Ltd, MindGeek Content RT
Limited, 9219-1568 Quebec Inc., and MG
Billing Ltd**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on all counsel of record via CM/ECF and/or electronic mail on this the 9th day of March 2023.

Rocky Shay Franklin
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/s/ J. Parker Miller

OF COUNSEL